

**MIDLAND CITY COUNCIL
MINUTES
April 10, 2018**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on April 10, 2018.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem Spencer Robnett (At-Large), Council Member Scott Dufford (At-Large), Council Member Jeff Sparks (District 1), Council Member John B. Love III (District 2), Council Member Sharla Hotchkiss (District 3), and Council Member J.Ross Lacy (District 4).

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Frank Salvato, Assistant City Manager Robert Patrick, City Secretary Amy Turner, Police Chief Steve Henry, Fire Chief Chuck Blumenauer, Utilities Director Laura Wilson, Administrative Services Director __, Finance Director Pam Simecka, Development Services Director Charles Harrington, Community Services Director Tina Jauz, Engineering Services Director Jose Ortiz, Director of Airports Justine Ruff, General Services Director Fred Reyes, Chief Information Officer Willie Resto, Solid Waste Director Morris Williams, Planning Division Manager Jessica Carpenter, Building Official Steve Thorpe, and Public Information Officer Elana Ladd.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at ____ a.m.

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., April 10, 2018.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem Spencer Robnett (At-Large), Council Member Scott Dufford (At-Large), Council Member Jeff Sparks (District 1), Council Member John B. Love III (District 2), Council Member Sharla Hotchkiss (District 3), and Council Member J.Ross Lacy (District 4).

Council Members absent: None.

Staff members present at the annex table: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Frank Salvato, and Assistant City Manager Robert Patrick.

The Agenda Items were heard in the following order:

Mayor Morales called the meeting to order at ___ a.m.

OPENING ITEMS

cto 10:00 a.m.

1. Invocation - Reverend Pat Bryant, Travis Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

Hotchkiss/Love presented proclamation for Fair Housing April 2018 as Fair Housing Month.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:

CONSENT AGENDA

4. Approved a motion approving the following minutes:

Council Member Robnett moved to approve Consent Agenda items 4 - 14 excluding 13; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

- a. Regular meeting of March 27, 2018

5. Approved a resolution awarding a contract for the Fiscal Year 2018 HA5 Surface Treatment Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2018 - 131

RESOLUTION AWARDING A CONTRACT FOR THE FISCAL YEAR 2018 HIGH DENSITY MINERAL BOND SURFACE TREATMENT PROJECT TO THE SOLE BIDDER, ANDALE CONSTRUCTION, INC. OF WICHITA, KANSAS, AT A TOTAL COST NOT TO EXCEED \$824,575.37; AND AUTHORIZING PAYMENT THEREFOR

6. Approved a resolution approving the purchase of twenty (20) police package vehicles for the Police Department and two (2) police package vehicles for the Fire Department for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 132

RESOLUTION AUTHORIZING THE PURCHASE OF TWENTY (20) POLICE-PACKAGE VEHICLES FOR THE POLICE DEPARTMENT AND (2) POLICE-PACKAGE VEHICLES FOR THE FIRE DEPARTMENT FROM RANDALL REED'S PRESTIGE FORD, OF GARLAND, TEXAS, AT A TOTAL COST OF \$650,166.00

7. Approved a resolution approving the purchase of one thousand (1,000) three (3) cubic

yard side load refuse containers and three hundred (300) three and one-half (3.5) cubic yard side load refuse containers for the Solid Waste Department. (PURCHASING)

RESOLUTION NO. 2018 - 133

RESOLUTION APPROVING THE PURCHASE ONE THOUSAND (1000) THREE (3) CUBIC YARD REFUSE CONTAINERS WITH LIDS AND THREE HUNDRED (300) THREE AND ONE-HALF (3.5) CUBIC YARD REFUSE CONTAINERS WITH LIDS FROM ROLL OFFS USA, INC., OF DURANT, OKLAHOMA, AT A TOTAL COST OF \$627,100.00

8. Approved a resolution approving a lease agreement between Permian Basin Metropolitan Planning Organization and The City of Midland, Texas at Midland International Air & Space Port. (AIRPORTS)

RESOLUTION NO. 2018 - 134

RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE PERMIAN BASIN METROPOLITAN PLANNING ORGANIZATION AND THE CITY OF MIDLAND, TEXAS, TO LEASE CITY-OWNED OFFICE SPACE IN THE WRIGHT OFFICE COMPLEX LOCATED AT MIDLAND INTERNATIONAL AIR & SPACE PORT

9. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C., for the drilling of oil gas well, being MCC HZ Unit 1110H located 285 feet from the north line and 2,258 feet from the east line, Section 11 Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well is generally located 2,258 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 135

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 285 FEET FROM THE NORTH LINE AND 2,258 FEET FROM THE EAST LINE, SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,258 FEET WEST OF BUSINESS STATE HIGHWAY 349-C AND 5,030 FEET NORTH OF MOCKINGBIRD LANE); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

10. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C., for the drilling of oil gas well, being MCC HZ Unit 1111H located 285 feet from the north line and 2,288 feet from the east line, Section 11 Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well is generally located 2,288 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 136

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 285 FEET FROM THE NORTH LINE AND 2,288 FEET FROM THE EAST LINE, SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,288 FEET WEST OF BUSINESS STATE HIGHWAY 349-C AND 5,030 FEET NORTH OF MOCKINGBIRD LANE); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

11. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C., for the drilling of oil gas well, being MCC HZ Unit 1112H located 285 feet from the north line and 2,318 feet from the east line, Section 11 Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well is generally located 2,318 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 137

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 285 FEET FROM THE NORTH LINE AND 2,318 FEET FROM THE EAST LINE, SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,318 FEET WEST OF BUSINESS STATE HIGHWAY 349-C AND 5,030 FEET NORTH OF MOCKINGBIRD LANE); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

12. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C., for the drilling of oil gas well, being MCC HZ Unit 1113H located 285 feet from the north line and 2,348 feet from the east line, Section 11 Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well is generally located 2,348 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 138

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 285 FEET FROM THE NORTH LINE AND 2,348 FEET FROM THE EAST LINE, SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,348 FEET WEST OF BUSINESS STATE HIGHWAY 349-C AND 5,030 FEET NORTH OF MOCKINGBIRD LANE); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

14. Approved a resolution authorizing the appropriation of funding for the "Communication Ring" project, as specified in an Economic Development Agreement between the City of Midland and the Midland Development Corporation, said Agreement authorized by City Council in Resolution 2018-077. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 140

RESOLUTION AUTHORIZING THE FUNDING FOR THE COMMUNICATION RING PROJECT IN THE AMOUNT OF \$1,552,000.00, AS CONTEMPLATED BY THAT CERTAIN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MIDLAND AND THE MIDLAND DEVELOPMENT CORPORATION FOR THE PURPOSE OF COMBINING FUNDS TO PROVIDE FOR THE EXPANSION OF VARIOUS INFRASTRUCTURE IMPROVEMENTS TO STATE AND LOCAL HIGHWAYS AND RELATED FACILITIES IN AND AROUND THE CORPORATE LIMITS OF THE CITY OF MIDLAND, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE; AND APPROVING THE ALLOCATION AND APPROPRIATION OF FUNDS THEREFOR

13. Approved a resolution granting a variance to Ordinance 8769, (January 1, 2010 Oil and Gas Well Drilling Ordinance), for a 31.259 acre tract of land out of Section 5, Block39, T-

2-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located on the north-side of Interstate 20, approximately 1950 feet west of Midkiff Road), by permitting construction of commercial buildings where no portion of any structure is closer than 250 feet of an existing oil and gas well (Interstate B 503H). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 139

RESOLUTION GRANTING A VARIANCE FOR AN APPROXIMATE 31.259-ACRE TRACT OF LAND OUT OF SECTION 5, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF INTERSTATE 20, APPROXIMATELY 1,950 FEET WEST OF MIDKIFF ROAD), BY PERMITTING CONSTRUCTION OF COMMERCIAL BUILDINGS WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 250 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

Steve Thorpe request for variance to permitted well under contract with Pro Petro Development north side of I20 2000 feet west of Midkiff. architect here to answer questions. Sparks question is supposed to be for Pro Petro but that is not who is making request. where is building on ex A. Steve they can ask for variance without building and will verify once building permit is issued. Have seen previously a layout. Sparks would like to have idea where it is on map.

Mark Pelletier, Vandergriff Architect. sparks asked to point out where plan on having building. 450 foot long building. getting squeezed from frontage road and property to northeast. pointed to map potential location of building. This will give flexibility to ensure far enough from frontage road. Love asked if private road through parcel. Mark indicated yes. love asked staff if challenge, chuck private road setbacks don't count. Sparks very appropriate for oilfield service company to be next to a well.

Council Member Robnett moved to adopt Resolution No. 2018 - 139; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

SECOND READINGS

15. Consider an ordinance on second reading for a request by James Wilson/Basin Roofing for a Zone Change from LR-2, Local Retail District, to LI, Light Industry District, on a 2.43-acre portion of Section 33, Block 40, T-1-S, T&P, RR Co. Survey, City and County of Midland, Texas. (Generally located on the north side of State Highway 191, approximately 1,110- feet east of North County Road 1271.) (DEVELOPMENT SERVICES) (First reading held March 27, 2018.)

ORDINANCE NO. 9748

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.43-ACRE TRACT OF LAND OUT OF SECTION 33, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN LI, LIGHT INDUSTRY DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF

STATE HIGHWAY 191, APPROXIMATELY 1,110 FEET EAST OF NORTH COUNTY ROAD 1271); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9748.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9748 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

16. Consider an ordinance on second reading on a request by Vineyard Reserve, LLC, for a Zone Change from FD, Future Development District to LR-2, Local Retail District, on a 36.18-acre tract of land out of Section 13, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located southwest of the intersection of Becker Drive and Holiday Hill Road.) (DEVELOPMENT SERVICES) (First reading held March 27, 2018.)

ORDINANCE NO. 9749

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 36.18-ACRE TRACT OF LAND OUT OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF BECKER DRIVE AND HOLIDAY HILL ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9749.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9749 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

17. Consider an ordinance on second reading on a request by El Jimador Bar & Grill for a Specific Use Permit with Term, for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on Lots 7 through 9, Block 183, Southern Addition, City and County of Midland, Texas. (Generally located northeast of the intersection of West Dakota Avenue and South Big Spring Street.) (DEVELOPMENT SERVICES) (First reading held March 27, 2018.)

ORDINANCE NO. 9750

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOTS 7-9, BLOCK 183, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST DAKOTA AVENUE AND SOUTH BIG SPRING STREET), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9750.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9750 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

18. Consider an ordinance on second reading on a request by Stonehawk Capital Partners, LLC for a approval of a Site Plan on Lot 3, Block 1, Cross Pointe Addition, City and County of Midland, Texas, generally located on the north side of Briarwood Avenue, approximately 305-feet west of Holiday Hill Road. (DEVELOPMENT SERVICES) (First reading held March 27, 2018.)

ORDINANCE NO. 9751

AN ORDINANCE ADOPTING A SITE PLAN FOR LOT 3, BLOCK 1, CROSS POINTE ADDITION, SECTION 24, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 305 FEET WEST HOLIDAY HILL ROAD); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9751.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9751 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

19. Consider an ordinance on second reading on a request by Engineering Services to amend Title XI "Planning and Development" of the City Code of Midland, Texas, by establishing Chapter 13 "Municipal Drainage Utility", Article I "Creation of Utility", so as to declare the drainage of the City of Midland to be a public utility and dedicating City assets to said public utility. (ENGINEERING SERVICES) (First reading held March 27,

2018.)

ORDINANCE NO. 9752

AN ORDINANCE AMENDING TITLE XI, "PLANNING AND DEVELOPMENT", OF THE CITY CODE OF MIDLAND, TEXAS, BY ESTABLISHING CHAPTER 13, "MUNICIPAL DRAINAGE UTILITY", ARTICLE I, "CREATION OF UTILITY", SO AS TO DECLARE THE DRAINAGE OF THE CITY OF MIDLAND TO BE A PUBLIC UTILITY; ESTABLISHING THE SERVICE AREA FOR SAID PUBLIC UTILITY; DEDICATING CITY ASSETS TO SAID PUBLIC UTILITY; PROVIDING FOR EXEMPTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Mayor noted would have public hearing on this item for both 19 and 20 already had. please comments short.

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9752.

Engineering services Director Jose Ortiz ans questions none.

Mayor Morales opened the public hearing at 10:16 a.m.

Douglas Page, 611 W Estes, in opposition to storm drainage, joint tenants of several properties. in violation of Article 1 section 10 of us constituion.

John Boswell 2813 lockheed spke in opposition of tax everyone thought it was a joke in research in looking into ordinance shave been written but not necessary to do that. POints feel like unfair money grab have q7a from gen counsel and he said that most cities don't attempt to charge a fee for drainage. this is somethign that was already considered and decided and people don't ahve grasp of what it is. west tx some of harshest conditions extreme heat, extreme cold wind drought flash flood. to say rain being hard so charge a tax, it is a tax it hasn't existed before now have streets that need to fix but sudenly new tax will fix problem. instead of creating tax find way to better balance budget, cut here to fix there. this is city's duty pay taxes and already got money in GF in his opinion and this is somethign that we write a check for. Let's not come up with new tax. Feel tax has already been paid and money is already there.

Hugh Shaffer, 206 Windridge 4/10 inch of rain sof ar this year. his problem is been kicked down road too many times something needs to be done. embarassed to be sitting there with rates for anything about 2400 sq ft everybody pays same amount which means he pays same amount as those half his size. some houses driveways bigger then houses. some people receive meals on wheels and share food with pet and can't afford it. Talking for people that live in small houses who make less income they need a break if going to do. Shift a little more of burden to those who can afford it and not ont hose who can't.

Robert Crites 606 E Broadway, why need more tax when sales tax revenues are all time high property values and more hosues being sold and more businesses moving in. Drove thorough neighborhood and they have no drainage either this is something that should be addressed make contractor do it.

Cobin Dominga 347 Greenstone? since talkinga bout drainage build roads instead of

going up high in center build with center two just like on Wadley and Golf Course that way instead of two places to drain just one place to drain in center and reduce expenses and tax for this thing.

There being no one else wishing to speak, the public hearing was closed at 10:23 a.m.

Jose early on looked at different options, discussion for 10 years. As looked at data wanted to be fair and equitable and that is why set 3 tiered system. more tiers more complicated. Keep feels lower than other system and commercial added more tiers. He raises good point did consider had to start somewhere and will continue to look at it. reevaluate in 2 years and adjust tiers if necessary. Need to establish funds to get storm water going. Lacy how notify individuals affected becomes effective October 1. Jose get flyers out in water bills. Love Schaeffer indicated that people in same tier might be paying different rates but reason why is each tier has own rate if in tier and different square footage because rate times sq footage. Jose no flat fee in each tier. Love as Council Member who has significant amount of economic disadvantage in his district because drainage will considerably help his district. Dufford appeal process include hardship? Jose does not include hardship he will look black and white and committee can take second look. Sparks if go ahead and pass rate option to change it by October 1. John O yes, Steve yes but have to follow same process. John on procedural steps to take. Sparks agree with Mr. Schaeffer have to start somewhere and at least get this. For folks that have emailed and texted said vote no think very conservative way to approach. What doing is putting out a fee that will be used to improve our drainage. As have people moving in northwest and northeast increases drainage problem. only have rain event 1-3 years hard to get drainage project done because always something else more priority. this will get money in place and do pay as you go to do drainage project and not wait for crises as have new developments should have been doing 10 years ago. trying to get ahead of it. We have time not going to raise money all at once. Do think we ought to have 10 year sunset. This should fund it. It puts onus on staff to bring it back up to City Council in 8-10 years and allow staff to say here is what we use money for and reevaluate if still need fee. will make amendment for 10 year sunset because most of Council won't be here in 10 years.

Mayor Jose answer question about developers on new commercial or new housing not doing part. Jose they do their part we require them to not discharge more than existing configuration. We do have detain more than discharge and they have taken up load thus far. Sparks they detain it and still sue drainage to take down to southeast. which is why fairground stays covered after any rain event. Lacy agree with Sparks and will second 10 year sunset. Can you name one community our size that does not have drainage fees. Jose no. Morales revenue sources why not using tools. Lacy property tax sales tax fees property tax 50 m 5 m for debt, police and fire alone are 55 alone. can almost guarantee they will ask for more people which means another 25-30,000 residents. Have other departments in city don't want to tie plan to sales tax revenue. Been using for one time big projects to prepare for growth including road maintenance. Successfully passed 100M bond for roads. weren't taking care of in past and turned into emergency. New roads need to be built as add more residents and need infrastructure extending to those areas. We are growing whether or not we like it growing at a pace that is unmanageable but managing it well. Looked at what areas growing and transparent where going. Dufford last decade water fees drainage fees and chose not to implement because didn't anticipate amount of growth the city would have. felt like sunset community in sunset oil and gas business from 2010 on place growing rapidly

no previous council could have anticipated what was going to happen. Issues because of rapid growth this is fairest way to address those concerns.

Robnett 2016 comp plan, this is long term maintenance dollar maintain quality of roads longer, youve got road bond water sewer bond storms fees explaining to group of business men. this is not new on radar long time. Love eloquent about revenue size with request to expense side go on line and pull budget and review and tell council what should cut out of budget extremely tight. anyone suggest wasteful not.

Council Member Love moved to approve the second and final reading of Ordinance No. 9752 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

20. Consider an ordinance on second reading on a request by Engineering Services to amend Title XI "Planning and Development", Chapter 13 "Municipal Drainage Utility" of the City Code of Midland, Texas, by adding Article II "Administration of Drainage Utility", so as to establish rules for the City of Midland Drainage Utility; to establish a drainage utility fund; to levy a schedule of drainage charges; to provide an appeal procedure; to negate and dispense with the culpable mental state requirement; and, to provide for criminal enforcement and establish a maximum penalty. (ENGINEERING SERVICES) (First reading held March 27, 2018.)

ORDINANCE NO. 9753

AN ORDINANCE AMENDING TITLE XI, "PLANNING AND DEVELOPMENT", CHAPTER 13, "MUNICIPAL DRAINAGE UTILITY" OF THE CITY CODE OF MIDLAND, TEXAS, BY ADDING ARTICLE II, "ADMINISTRATION OF DRAINAGE UTILITY", SO AS TO ESTABLISH RULES FOR THE CITY OF MIDLAND DRAINAGE UTILITY; ESTABLISHING A DRAINAGE UTILITY FUND; LEVYING A SCHEDULE OF DRAINAGE CHARGES THAT SHALL BE BILLED AFTER OCTOBER 1, 2018; PROVIDING AN APPEAL PROCEDURE; NEGATING AND DISPENSING WITH THE CULPABLE MENTAL STATE REQUIREMENT; PROVIDING FOR CRIMINAL ENFORCEMENT AND A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9753.

Council Member Love moved to approve the second and final reading of Ordinance No. 9753 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Council Member Sparks moved to amend by including a sunset after 10 years; seconded by Council Member Robnett.

sparks do hope that county realizes that their a part of this also ought to be helping a little with their budget which includes the city to help with drainage projects .

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: Love. ABSTAIN: None. ABSENT: None.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

PUBLIC HEARINGS

21. Hold a public hearing and consider an ordinance on a request by Regal Licensing, LLC, for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a Movie Theater, on Lot 3, Block 45, Fairmont Park Addition, Section 13, City and County of Midland, Texas. (Generally located on the south side of West Loop 250 North, approximately 750-foot west of Henry Koontz Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9754

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 3, BLOCK 45, FAIRMONT PARK ADDITION, SECTION 13, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 750 FEET WEST OF HENRY KOONTZ BOULEVARD), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A MOVIE THEATER FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9754.

Development Services Director Chuck Harrington gave a brief overview of the item noting Regal Tall City to sell alcoholic beverages. in 2015 request to 10-2 a.m. mon-sat sun 12- 2 a.m. This request denied by city council. wiated period with significant changes to original request. Now want service shours sun sat 11-11 and also came back chuck e cheese with limit on alco bev and during their testimony at p7z indicated would put same limit on their sales. expanding concession area for bar space and food selection offering to customers mroe meals instead of popcorn and candy. provided floor plan and proposed remodel of bar as wlel as barrier between bar and serving area. approved by p7z. meets requirements staff rec approval subject to condiciton a-g no objections to request.

Love any police incidents at chuck e cheese or current theatre that allows alcohol. Chuck run those reports at time coming up for renewal neitehr have had one done so can't give exact number. courtney can get it to you. Lacy other theatre has off duty on friday adn saturday will regal have that also. chuck not in requirement but cna require it. Morales one per person? Chuck ask applicant. Love on that that is not committed in ordinance this is aplicant saying this is what they are going to do.

Mayor Morales opened the public hearing at 10:45 a.m.

Marcus Schwartz law firm of ?? to add 15 permits alcohol in tx. no violations good citizens. elab on one drink not per visit its one drink at a time tabc allows 2 at a time now one person at a time exceeds. served in translucent cups only served form concession slash bar not in theatre but can take drinks in theatres, also have staff frequently monitors theatres during showing to ensure all is right. Morales no bottles and not buckets of bottle. Hotchkiss can come back and get as many as you wish. Marcus could that is not responsible service can sepak to regal being receptive their bread and butter is movie theatre. its aobut 5 percent of sales are alcohol food sales ten times and majority is ticket sales. want to add additional item that some customers demand. Lacy elaborated on food selection and agreeable to officer on friday and saturday. marcus can speak to client. expanded food items burgers, chicken sandwiches, hot dogs fries onion rings more as meal and not popcorn and candy. Robnett you might already have officers there. Sheriff deputies at theatre. Hotchkiss 5% s a whole. Marcus alcoholic beverages. Hotchkiss considered fact that come to theatre with no alcoholic beverage and said would not like to come if serve. Marcus up to public and can decide if they want to come or not. Ran into several seen before anyways want to work with our customers experienced in other areas ultimately haven't seen that real push back or drop in sales.

Joel Chavez 2806 SCR 1196, ??? listen. HOtchkiss how publicize that serving? GM signs remodel of whole stand dedicated menu for alcohol. Hotchkiss never served there are parents who say drop children off and now won't know that alcoholic beverage there. tabc requires signage out front. Lacy process of identify. Joel if bought a drink have to show id each time purchase drink and put dob in mark wristband. 3 drinks

There being no one else wishing to speak, the public hearing was closed at 10:52 a.m.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9754 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Lacy regret vote 2 years ago use govt to business to operate on free market. in favor. Hotchkiss against heard from so many people that would like to have place where can bring children and not have alcoholic beverages. pro business in this case prop public this is what they said they wanted. Robnett much like uber this similar feel for similar theatre that can't responsibly serve alcohol. Just like uber is safe have app and phone a movie is not conducive to drinking alcohol. Might discourage from sneaking in. probably going to senack. not bringing kids know people don't are terrible place to go because content not want children to see. approve chuck c cheese soon have micro brewer in public hearing with p7z family friendly microbrewery this is opposition. support it. Love chief if you could are you aware of any incidents occurred at chuck c cheese or cinergy where alcohol permit. Seth directly alcohol related no.

Sparks against said can't go to movie without sitting down to have a drink. disappointed that culture place where many feel like can't see movie without sitting down having drink. against but agree that with Lacy that probably not fair to not give them the permit since we have in some other instances. Hope they reconsider at some point. Dufford unfair last time didn't approve their permit and made them wait an entire year.

Sparks don't think wrong because did not have subnail food but have addressed. Lacy changed hours.

Mayor great job of talking to constituents.

The motion carried by the following vote: AYE: Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: Hotchkiss. ABSTAIN: None. ABSENT: None.

22. Hold a public hearing and consider an ordinance on a request by Bill Roberts, for a Special Exception, to the City of Midland Zoning Code Section 11-1-7 Area, yard, structure, parking and miscellaneous lot use regulations concerning an accessory detached structure exceeding the principle structure, and construction materials on Lot 27, Block 1, Country Sky Addition, Section 20, City and County of Midland, Texas. (Generally located west of Coyote Trail and approximately 659 feet south of Briarwood Trail.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9755

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 27, BLOCK 1, COUNTRY SKY ADDITION, SECTION 20, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF COYOTE TRAIL, APPROXIMATELY 659 FEET SOUTH OF BRIARWOOD AVENUE), BY PERMITTING A DETACHED ACCESSORY STRUCTURE OF A SIZE THAT EXCEEDS THE TOTAL FINISHED AREA OF THE PRINCIPAL STRUCTURE AND BY PERMITTING A METAL SKIN EXTERIOR ON A DETACHED ACCESSORY STRUCTURE THAT EXCEEDS 400 SQUARE FEET IN AREA; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9755.

Development Services Director Chuck Harrington gave a brief overview of the item noting special exception to portion of code allow to build 8400 attached accessory metal building in AE district. Ord states AE and CE districts metal skin exterior prohibited on any detached 12 ft height and ?? sq ft in area shall not exceed total area of primary. overall square footage 3410 square feet and has 270 sq foot addition. proposed ash gray trimmed in black staff reviewed no hardship shown and staff recommends denial. Lacy completely disagree and think should be approved. Morales where located. Sparks by bus barn.

Mayor Morales opened the public hearing at 11:00 a.m.

George Hartzoge, 5908 Dunbarton Oaks, north of Mockingbird. Currently own property just north of here and immediately to the west. Lived there for a lot of years until yard work got best of him. Residential neighborhood wonderful place to live, maintained property there as stable for horses, think that large metal structure on this property will make his property sandwiches between storage building and this property and make his totally worthless. Had number of people wanting to buy or build a residence. Not in the best interest of the neighborhood or come to build structure this size in residential neighborhood. Only people interested would be commercial vehicle. Lacy other metal

structures. George barns don't think would devalue country example applicant has shown more appealing than barn it looks nice. George choose to disagree. Don't believe that is case realize councilman for that district and think would totally destroy country atmosphere now enjoy. They have talked across fence. He said was going to do it not. Love you indicated in area also consider selling some of it. where actually live. don't live there any longer his horses lie there

Minda Parks 4310 Tumbleweed Trail, objecting to size. Reason obvious trend in subdivision for industrial uses. Blue Star build before annex second set of proposed storage building was disapproved. City does not always enforce use code. Living storage don't meet subdivision building codes after been expanded. If a little leeway is given he can add on to the small metal building for his living area. continues to expand owner seems to do as pleases. property at 3904 Tumbleweed used for parking lot of 18 wheeler tractor trailer rigs. Mr. Roberts want to house antique car collection what use will large awning service on 2 or 3 sides. this is not the building might look its just an example of color of building. why does he need awnings something under awnings whole barn not enclosed. pictures of houses across street trailers parks behind fence gives property industrial look. another barn build on coyote trail with large awning and very industrial looking. industrial uses seem to develop which lowers property values. right now 300 to 650,000 plus. if this keep build our valuations will be lowered. Love industrial looking and industrial uses are two different things. If you find anyone is conducting industry let Council know against code.

Love is parkign considered industrial use spec 18 wheelers. Chuck one of those problems address across city. Working with PD to address issues. Staff will pursue. 18 wheeler can park on improved property. Chuck C-1 or industrial. Farnk approved truck route and residential street is not approved truck routes. Love call police.

Steve Thorpe area annexed into city several existing businesses at time of annexation and grandfathered.

Bill Roberts Sherry Roberts 4401 Coyote Trail, plans to build 50 x 100 40 x 100 awning on north side. Awning is to take trailers off street and park under awning. As far as people on coyote trail wall and can't see trailers and will be fully landscaped. Classic cars. lived in Midland 1982 and last house for 30 years this moved to area get on piece of land and build building. Sherry grew up in Midland Wrd st 30 years best yard on street like to maintain yards and can't do that owns a business midland muffler and break strictly for person. no one living there no industrial use strictly for personal benefit. landscapign around it to make it look nice, trees shrubbery, getting new fencing eventually Love mentioned in application future fence. Bill from north side made entry way for truck and trailers entry way close to house from north side of house to property line enclose with fence and can't see bottom half of building. Morales why that high? Bill in order of building to accept trailers peak has to start higher where can get rv trailer under awning. Hotchkiss moved out to build this did you not check zoning? Bill and Sherry told no problem building metal. Hotchkiss not just size but also materials if bricking or outside skin. Bill trying to do for his own privacy to block out traffic off Briarwood and 60 and to block out business located at end of street. Assure that when look down that is not the prettiest site but when look back at us see something nice and clean and tidy.

How tall is building 16 22 center down to back at least 13/4 to accept trailers.

Bill part of code didn't understand is couldn't build 50 and 100 but can build 50 and 50 and move over ten feet and build 50 and 50. Love govt does not amek sense all the time.

There being no one else wishing to speak, the public hearing was closed at 11:17 a.m.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9755 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Robnett dont' see a ton had letter of support form every one of his neighbors. hard time supporting when neighbors can't get on board and support. NOt sure want to vote down talk to his and see if can resolve with neighbors. letter of support or work on facade.

Mayor option is concern really like it when neighbors work togetehr to talk about proposed plan ahven't seen design landscaping what will facade look like ask if wife itnerested in having neighborhood meeting. He talked to immediately neighbors didn'tt have problem at all. Robnett bind to put off couple of weeks? won't approve second reading until had conversation wit neighbors. Bill enjoy doing that. Love any letters of objection on this item where is th stem of public outcry . Chuck did not receive actual letter of objection but never received any. Love dont' see a lot of public outry on issues. Minda Parks sent letter, emailed to Janna with Planning Division with City. Bill Hartzoge did send letter and have copy .

Bill to Mr. Hartzoge the fence like up to his building still 100 feet.

The motion carried by the following vote: AYE: Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: Hotchkiss. ABSTAIN: None. ABSENT: None.

Mayor two weeks report back. l;os

23. Hold a public hearing and consider an ordinance on a request by Robert Rendall for a Zone Change from FD, Future Development District to PD, Planned District for a Shopping Center on a 26.92-acre tract of land out of Section 24, Block 40, T-1-S, T&P RR. Co. Survey, City and County of Midland Texas. (Generally located northeast of the intersection of Briarwood Avenue and Avalon Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9756

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 26.92-ACRE TRACT OF LAND OUT OF SECTION 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF BRIARWOOD AVENUE AND AVALON DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9756.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant Robert Rendall representative requesting zone changed from FD to PD itnent devleop shopping area and multi family housing wes tof bush tennis center. site plan submitted. need to provide adopted site plan. still in platting rprocess. reveiwed by all city depts still number of items that need to take palce as proeprty develops. Issues about oil wells ina rea provided revised maps approved with conditions. from staff standpoint recommend approval of request as moves forward. As of april 3 no objections on request.

Mayor Morales opened the public hearing at 11:24 a.m.

Robert Rendall, 6 Desta Drive on behalf of Los Conchos Ventures, platting behidn zoning answer uquestions mgiht have. trying to work out issues with one of the oil companies slow getting back but would like to move forward with zoning. Briarwood/Avalon appropriate location for this type of zoning underlying for LR on eastern end. Lacy worked with Rendall thank for keep adding apt complex in dire need very accomodating with developers by creating supply and demnd. Love if approved how fast can you get this up, know very intersted in getting done quicly site plan is ready. At tnext meeting of planning for plat.

There being no one else wishing to speak, the public hearing was closed at 11:26 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9756 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

MISCELLANEOUS

24. Consider an ordinance establishing intersection stops at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES)

ORDINANCE NO. 9757

AN ORDINANCE ESTABLISHING INTERSECTION STOPS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS AT THE DESIGNATED LOCATIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9757.

Traffic Engineer Mike Pacelli gave a brief overview of item noting stop sign ordinance last done July 2017. adds 22 new stop signs only one is coutry club and N was two way and now 4 ways interim measure to deal with cut through traffic between cuthbert to

help alleviate congestion. in meantime attempt to help with traffic. 39 locations converted from yield to stop and couple where removing stop signs. Love on stop sign and good and montgomer one there normally two images only having one stop sign at corner and which way south stop or east stop. Mike would have to double check think it is an error on map supposed to be two don't read off hand. Morales Beal 4 way/Thomason how working out. Mike not great location for all way stop is when opened fourth leg of Beal parkway concern about safety now have pedestrian activity from safety felt like if city wanted to add 4th leg now conflicting traffic had responsibility to take steps to address safety as it's a long term roundabout at that location. issue with row acquisition did not get built hoping if row works out when rebuild thomason as bond but up in air due to row. Love roundabout would help.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9757 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Spencer appreciate input.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

25. Consider an ordinance establishing yield right-of-way signs at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES)

ORDINANCE NO. 9758

AN ORDINANCE ESTABLISHING YIELD RIGHT OF WAY SIGNS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; REQUIRING AND AUTHORIZING THE POSTING OF APPROPRIATE SIGNS AT SAID INTERSECTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9758.

Traffic Engineer Mike Pacelli companion to stop sign yields

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9758 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

26. Approved a motion authorizing and directing the City Manager or his designee to issue a Right-of-Way Permit to David Banh relating to the property described as Lot 14, Block 2, Legacy Addition, City and County of Midland, Texas (commonly known as 908 Founders Road); said permit to allow for the existing eight-foot privacy fence constructed in the

public right-of-way adjacent to said property and along the Vanguard Road frontage.
(ENGINEERING SERVICES)

Mike Pacelli row issue received compliant from property owner about fence constructed at back of sidewalk what has occurred lot on corner originally fence along property line 6 foot taken down reconstructed as 8 and brought back to sidewalk which puts in row believe contract that build fence is present. 2.5 feet in public row. also located in intersection site triangle its oil well access road. Staff concern no row permit requested or issued from city side no longer approve row permits for fences in row. Mr. Sharp don't want to do those any more had there been an applications staff would have denied it. Site triangle violation and no fence permit obtained. Fences over 7 feet require a permit and was not done.. staff recommends denial. Mayor what is liability. John creates issues something build on our property without our permission its on our land. Love parties to accident could sue city, John wouldn't be unlikely may not be successful. Mike email this morning about site triangle code specifies how measure from curb back 10 feet then along curb line down 40 feet. spelled out in code as to how to measure it. they did take measurements in different way but that's not how they measure in

Bruce Pridgen, 1206 Whitney Dr, his ignorance is why permit is not pulled. submitted claim to HOA approval from Troy Clabaugh to fill in with concrete and didn't know needed permit to put fence up or approve it. Mayor this is business of installing fences. Bruce mostly landscaping and irrigation. Love who did you sub out to. Bruce Superior growers. Love are they a fencing company. no. Forman asked if taken care of all permits and told him not realizing needed permission from City. Line of site issues submitted a number of pictures where went and for Ford F250 with bumper plate measure from front of bumper back to driver's seat took photo from that distance starting where lay down curb that is the vantage point of this photo all the way down to next intersection and beyond. From Google maps point of view shows point 10 feet back and 40 feet down if drawn comes just outside the present corner of the fence from that point of view that there is no obstruction. row is almost never used for either wells in neighborhood. They access that down Patriot Parkway and well to south also double gate row coming off of Avalon and that is one prefer to use sent photos showing numerous tire tracks to gates at Avalon drive.

David Bahn, submitted info to traffic engineer, showed Google Maps, the two wells in neighborhood have access points and alley behind house is for service. as far as he knows no one uses that service. first map there are routes which walked services routes which is better treaded. Last map is addressing service triangle down middle of road. subjectively has minimizing weed control. Neighbors appreciate beautification row situation hoping wouldn't have to move this fence line. there is HOA approval.

Council Member Robnett moved to approve a motion authorizing and directing the City Manager or his designee to issue a Right-of-Way Permit to David Bahn relating to the property described as Lot 14, Block 2, Legacy Addition, City and County of Midland, Texas (commonly known as 908 Founders Road); said permit to allow for the existing eight-foot privacy fence constructed in the public right-of-way adjacent to said property and along the Vanguard Road frontage.; seconded by Council Member Lacy.

Sparks drove by house couple times yesterday so could see what this issue was in FF150 there is no loss issues. went past row trying to see where encroachment was. don't think any doubt that the fence in its location to sidewalk is a beautification compared to other

houses that have rock and weeds between fence and sidewalk. Much nicer looking place for fence. Don't think can let him off and say sorry. don't want to make them fence down and put back to where looks worse. just having two foot of weeds in between sidewalk and sidewalk. Recommend that require getting permit to do fence and two give fee to charge where fence and name come as additional insured on fence. and charge fee. Hotchkiss we are saying its okay hence we have to have fees. Courtney if want to establish fee call MCA value property at \$2/foot. He should pay more. Robnett fee would be arbitrary if going to approve give six months to move fence. Sparks don't want to make then move fence. Love fee is punitive and doesn't address problem of fence on row. Love if solution is that then purchase row from city would like more sense. Sparks had they come in ahead of time that would have been an option to have allow them to have fence and ensure. but you can't put on city property so have to purchase and don't have to get insurance with city as additional insured. Love lost city property forgiving after fence need to send strong message. Robnett had this gone to city planning would have moved in two feet.

Robnett don't care how it looks care where it should be.

Love anybody with enough money can do what they want and pay fee.

fence glad to get permit and pay fine think situations should be considered on per case basis. Love shouldn't be considered at all. fence guy lost and safety is issue. Mayor liability issue as well. lost not impeded no actual usage of row as demonstrated. Dufford maybe chance row put a couple of gates up then it will never be used. Hotchkiss ignoring our own staff and recommendations and professionals who do this.

The motion Failed by the following vote: AYE: Sparks. NAY: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. ABSTAIN: None. ABSENT: None.

Council Member Dufford moved to reconsider; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: Robnett. ABSTAIN: None. ABSENT: None.

Council Member Dufford moved to go with option one, fair market value as determined by City Manager, obtain insurance with City named as additional insured, indemnify the City, City can require removal of fence at any point if row needed; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Love, Sparks, Morales, Dufford, Lacy. NAY: Hotchkiss, Robnett. ABSTAIN: None. ABSENT: None.

PUBLIC COMMENT

Brandon Hodges 2502 Stutz Place, two things one about drainage fee secondly about local police patrols in neighborhood high crime incident as far as theft letter from PD pretty much they can't go any further. One drainage fee, city council voted one early is based on cumulative where did metrics utilize come from is there rebate offered if underneath average rainfall? who is being excluded and what are exemptions? Sum perspective opportunity has been for many years elected represented in those solutions 13 years ago midland city council discussed rainage fees viable long term solutions

tabled. today bond elections and extension of 4b so current city council achieving success but along way seems thousands ability to prioritize is ? increase tax burden increased evaluations will leave city in litigation based on unfair business practices. optics that city has with list of excluded entities going to yield less than reduce probably of education bonds for community. Mayor refer to Jose Ortiz how rate structure came in place

Tom Miller 4311 Valley Drive, ED of Family Promise experience crisis of homelessness. city once again booming reminiscent 2012-2014 more so this time around. Tend to forget about is working poor in Midland rents rising up 35% from this time last year. See developers come in people in service industry restaurants and retail can't afford. if single parent 2 bedroom 1350-1570 rent for two bedroom apartment asking 11-12 can't afford it. Pleading keep at forefront working poor in city without working poor won't have a city.

Chris Posey 1119 E Midland, Bring to issue at mlk community center weight equipment antiquated and safety issues. Can see by illustrations weight benches not properly put together. wires showing where water bottles can drip water, treadmills that belt drives no good. anyone of substantial weight and once belt starts moving and blow knee out. Bring to P&R attention this situation need attention and trickle down. safety issue. Have dumbbells lost safety coating and when exercising metal flakings fall in eye. NO first aid equipment near workout equipment or eye wash. A lot of money that is probably one of the poorest workout facilities has seen other than in someone's back yard. New bridge going up on carver and scharber and can also bridge and bring people to community center if bring up to par same as plant fitness that offers elite equipment. Love just go indication that CDBG Funds may be available. passionate serious live around corner could bring a number of people to work out but equipment will not sustain. functional with no safety risk.

adjourn 12:11 p.m.

27. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting. (Please limit comments to three minutes or less.)

All of the business at hand having been completed, the meeting adjourned at ____ p.m.

PASSED AND APPROVED the __ day of ____, 2018.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary

